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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,209	02/29/2000	Terry Allen-Rouman	00617425	1082

7590 08/01/2007
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EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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1762

MAIL DATE	DELIVERY MODE
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08/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/516,209	ALLEN-ROUMAN ET AL.	
	Examiner	Art Unit	
	Alain L. Bashore	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-18, 24-27, 29-33 and 35-46 is/are pending in the application.
- 4a) Of the above claim(s) 14-18, 24-27, 29-33, 35-37 and 39-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Board Decision

1. The period under 37 CFR 1.304 for seeking court review of the decision by the Board of Patent Appeals and Interferences rendered 7-27-07 has not expired, but as explained on page 2 of the board decision there is present outstanding claim 38. The inadvertent deletion of any rejection for claim 38 requires the non-final action described below. Claims 14-18, 24-27, 29-33, 35-37 and 39-46 are hereby withdrawn from consideration.

2. An amendment can only be made to claim 38, as all other claims have been withdrawn as a result of the board decision rendered 7-27-07. This application is not considered open to further prosecution except for the examination of claim 38 (see MPEP 1214.06, part III).

3. If no court review is sought for claims currently affirmed at the board, the claims on appeal are considered expired, and therefore this operates as an authorization to cancel these claims from the application if allowable subject matter regarding a computer readable medium is eventually made. See MPEP § 1215.03.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al, further in view of Rowney et al.

Doggett et al discloses a method and computer readable medium for facilitating an electronic purchase as the transferring funds from a payor to a payee (fig 3). Purchase information from a payee and purchaser information from a payor are both received as payment information (66 and 74 taken in totality) from a funds transfer system (80). When the payment information is validated, the payee is notified (130) and funds are transferred. The purchase information includes a purchase price (120), and the purchaser information includes an identification of a purchaser account (122). When the purchaser information is validated, crediting and debiting is performed [a digital IOU is electronically sent to the payee (74), the digital IOU includes the purchase price (fig 6) and can be redeemed (col 8, lines 40-46)]. Payment info is validated at the fund's transfer system (col 8, lines 36-37).

Doggett et al discloses a funds transfer system separate from the payee system (fig 3). The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account or a credit card account (col 1, lines 6-16). A first and second connection is made between a payee and payor system (fig 3). Means for paying may be an ACH (80). The means for receiving purchase information and means for receiving payment information may be a FTP over a network (col 10, line 27).

Regarding the recitation of a computer readable medium having computer-executable instructions for performing the computer-implementable method, such is present regarding the prior art of record because software and hardware is described. Also, such a medium is well known per se in finance such that one with ordinary skill in the art to utilize.

Doggett et al does not disclose:

when the step of validating payment information is not successful ("if the step of validating payment is successful");

the payee as a vendor; and,

the method as being part of the check-out of the user with a vendor system.

Kolling et al discloses a payee as a vendor (col 24, line 53). Kolling et al also discloses when the purchaser information is not validated (figure 7).

It would have been obvious to one with ordinary skill in the art to include "if the step of validating payment information is successful" to Doggett et al because Kolling et al teaches such messages for non-sufficient funds notification (col 4, line 52).

It would have been obvious to one with ordinary skill in the art to include the payee as a vendor because Kolling et al teaches equivalence (col 24, lines 53).

Rowney et al discloses check-out of the user with a vendor system (col 11, lines 56-67; col 12, lines 1-24) and comparing digital signatures (col 15, lines 65-67; col 16, lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Doggett et al in view of Kolling et al to include confirming the digital IOU by comparing a digital signature since Rowney et teaches comparing digital signatures for security purposes (col 1, lines 30-36).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al in view of Nielsen to include as part of the check-out of the user with a vendor system since Rowney et al teaches importance of assessing transaction risk (col 12, lines 5-6).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alain L. Bashore/
Primary Examiner
Art Unit 1762